(1) (3)

Single Bench

IN THE HIGH COURT OF JUDICATURE OF CHHATTISGARH,

BILASPUR (C.G.)

M.C.C. No. 269 /2006

APPLICANT : JITENDRA SINGH THAKUR,
Aged about 41 years, S/o. Late Shri R.S. Thakur, R/o. Tilak Nagar, Bilaspur, In front of Dr. Devras Residence, Bilaspur, Distt Bilaspur (CG)

VERSUS

RESPONDENTS :

1] STATE OF CHHATTISGARH,
Through - Secretary, Finance Department DKS Bhawan, Raipur (C.G.)

2] DIRECTOR, Treasuries & Accounts and Pension, Shankar Nagar, Raipur, District Raipur (CG)

3] COMMISSIONER, Tribal Welfare Department, Raipur, University Campus, Raipur (CG)

4] ACCOUNTANT GENERAL, Raipur, District Raipur (CG)

P.R. No. 1236/06
Presented by Shri ... Adv.
dated 07/12/2006

APPLICATION FOR REVIEW OF ORDER DATED 02.09.2005

PASSED IN W.P NO. 1807/05

AFR

HIGH COURT OF CHHATTISGARH AT BILASPUR
M.C.C. No. 269 of 2006

Applicant : Jitendra Singh Thakur

VERSUS

Respondents : State of Chhattisgarh & others

SB : Hon'ble Justice Shri **Satish K. Agnihotri, J**

BY CIRCULATION

ORDER

(Passed on 15th of September, 2006)

1. The present application seeks a review of the order dated 2.9.2005 passed in W.P. No. 1807/2005 on the ground of discovery of new and important matter or evidence. This review application was circulated in the Chamber for consideration under Chapter-VI, Rule 76 (2) of the High Court of Chhattisgarh Rules, 2005.

2. I have perused the review application and documents appended to the Writ Petition No. 1807/2005 which was dismissed by this Court on 2.9.2005 holding that there was no provision for revaluation of answer-sheets of the examination conducted for appointment in Sub-ordinate Account Services.

3. The writ petitioner submitted that the petitioner ought to have been awarded more marks and on that basis it was prayed that in the writ petition the respondents No. 2 and 5 be directed to revaluate the IVth and Vth papers of the SAS Part II. It was

further prayed that the respondent No. 2 in the writ petition be directed to reconsider the case of the petitioner on the basis of subsequent events.

4. The Court after having examined the documents and hearing both the parties held that there was no provision for a direction to the authorities concerned to make revaluation of answer-sheets.

5. Against the order dated 2.9.2005 passed by this Court in Writ Petition No. 1807/2005, the petitioner has preferred the Special Leave Petition (Civil) No (s). 22776/2005 before the Hon'ble Supreme Court of India. The Hon'ble Supreme Court of India, by order dated 6.3.2006 (Annexure A/4), dismissed the Special Leave Petition, holding that there was no reason to interfere in the special leave petition.

6. The review applicant has obtained certain documents under the provisions of the Right to Information Act, wherein it was found that on the basis of revaluation of answer-sheets, one Shri Salik Ram Bansod was declared as successful. It was further brought to the notice of this Court that by letter dated 22.1.2005 (Annexure A/10) a request for revaluation of answer-sheets in the Chhattisgarh Sub-ordinate Account Services (Departmental) Examination Part-II was rejected holding that revaluation was allowed only in exceptional circumstances. The review applicant has not produced any rule, executive instructions, which provide for revaluation of

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answer-sheets in the in the Chhattisgarh Sub-ordinate Account Services (Departmental) Examination Part-II or otherwise. Hence, there is no reason to review the order dated 2.9.2005 passed by this Court in Writ Petition No. 1807/2005.

7. It is well settled principle of law as held by the Supreme Court in the cases of Smt. Meera Bhanja Vs. Smt. Nirmala Kumari Choudhary {AIR 1995 Supreme Court 455}, Lily Thomas, etc. Vs. Union of India and others {AIR 2000 Supreme Court 1650}, Ajit Kumar Rath Vs. State of Orissa and others {AIR 2000 Supreme Court 85}, Government of T.N. and others Vs. M. Ananchu Asari and others {(2005) 2 SCC 332} and Kerla State Electricity Board Vs. Hitech Electrothermics & Hydropower Ltd. and others {(2005) 6 SCC 651}.

8. As a result and for foregoing reasons, this review application is dismissed on the ground that this review application is not in accordance with the requirements for review of an order as per law and the present review applicant seeks rehearing of the case in the guise of review application, which stands concluded by order dated 2.9.2005 passed by this Court in W.P. No. 1807/2005.

9. There shall be no order as to costs.

Sd/-
Satish K. Agnihotri
Judge

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